



ACLU of Montana  
Amnesty International  
Disability Rights Montana  
Equal Justice USA

Montana Association of Churches  
Montana Catholic Conference  
Montana Human Rights Network  
Murder Victims' Families for Human Rights

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SENATE JUDICIARY

EXHIBIT NO. 2/4/09  
DATE SB236

## Montana's Death Penalty: The case for repeal

### **We've learned a lot about the death penalty since 1976.**

For three decades, we have studied and tinkered with the death penalty in an effort to make it fair, accurate, and effective. But despite the best intentions of many, we now know the system is broken. For all the time we take to try to repair it, the death penalty will continue to fail the people of Montana.

### **The risk of executing an innocent person is real.**

The United States has sentenced innocent people to life in prison and, in the case of 130 innocent men, even death. The criminal justice system is run by human beings, and we are not perfect 100% of the time. Innocent Montanans have been convicted as result of incompetent lawyers, shoddy forensics, coerced confessions, jailhouse snitches, and mistaken witnesses. As long as capital punishment exists, even one small mistake can be deadly.

### **Fairness in death sentencing is a moving target.**

Less than 1% of murder cases in Montana result in the death penalty. More than 80% of all of MONTANA'S death sentences are reversed at some point, and most are resentenced to life or life without the possibility of release. Even legal experts and courts cannot agree on which cases deserve death. Study after study has found that both race and geography play a clear role in determining who lives and who dies. Tinker as we will, we will only make the system more complex – not more fair.

### **The long and complicated process has clogged our courts.**

The empty promise of an execution that almost never comes prolongs the pain of victims' families. Every state cost study ever conducted has found that the death penalty costs millions more than a system of life without parole. Every hour spent chasing a handful of executions means countless other crimes go unsolved or unprosecuted while the criminals who committed them roam free.

### **Today, we can lock people away for life.**

Montana did not offer the alternative of life without parole when the death penalty was reinstated in 1974, but now we have that option. It is a severe punishment that keeps defendants behind bars until they die. To be meaningful, justice must be both swift and sure. The death penalty has turned out to be neither.

### **Montanans are ready.**

The mounting evidence of waste, inaccuracy, and bias has shattered public confidence in the criminal justice system. Death sentences are at an all-time low and public support for the death penalty has dropped in favor of life without parole. The death penalty is dying. Montanans are ready to see it go.

SB 236  
*Jacqueline Benmark*